



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
C-14J

May 3, 2002

VIA U.S. MAIL
CERTIFIED &
RETURN RECEIPT REQUESTED

Mr. Aaron H. Bulloff
Kadish, Hinkle & Weible
1717 East Ninth Street
Suite 2112
Cleveland, Ohio 44144



RE: GHR Foundry, Dayton, Ohio, Removal Action
Administrative Order on Consent,
Docket No. V-W-97-C-388

Dear Mr. Bulloff:

Enclosed find a copy of the executed "Amendment" to the administrative order on consent entered in the above-referenced matter. Note that under the Amendment, the first installment of the oversight cost payments is due within thirty (30) days after your receipt of this letter and the Amendment.

Please contact me at 312.886.6670 if you have any questions regarding this matter.

Very truly yours,

Jeffrey A. Cahn
Associate Regional Counsel

Enclosure

cc: Linda Nachowicz, Superfund
Superfund Accounting
Record Center

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:	)	Docket No. V-W-97-C-388
)	
GHR Foundry,	)	ADMINISTRATIVE ORDER BY
400 Detrick Street	)	CONSENT PURSUANT TO
Dayton, Ohio 45404	)	SECTION 106 OF THE
	)	COMPREHENSIVE
	)	ENVIRONMENTAL RESPONSE,
Respondent:	)	COMPENSATION, AND
	)	LIABILITY ACT OF 1980,
Foundry Sales & Supply, Inc.,	)	as amended, 42 U.S.C.
<u>et al.</u>	)	§ 9606(a)
)	

**AMENDMENT TO
ADMINISTRATIVE ORDER ON CONSENT**

I. Introduction

This Order Amendment is entered voluntarily by the United States Environmental Protection Agency ("EPA") and the Respondent, Equipment Merchants International, Inc ("Respondent"). The Order Amendment is issued pursuant to the authority vested in the President of the United States by Sections 106(a), 107 and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9606(a), 9607 and 9622. This authority has been delegated to the Administrator of the EPA by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A, 14-14-C and 14-14-D, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A, 14-14-C and 14-14-D.

This Order Amendment changes only certain of the provisions of Section VII of the Order, effective February 25, 1997, relating to reimbursement of oversight costs for removal action work conducted at property located at 400 Detrick Street, Dayton, Ohio 45404 (the "GHR Foundry Site" or the "Site").

A copy of this Order Amendment will also be provided to the State of Ohio, which has been notified of the issuance of this Order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

Respondent's participation in the Order and Order Amendment shall not constitute an admission of liability or of EPA's findings or determinations contained in the Order or Order Amendment except in a proceeding to enforce the terms of the Order or Order Amendment. Respondent agrees to comply with and be bound by the terms of the Order and this Order Amendment. Respondent further

agrees that it will not contest the basis or validity of the Order or its terms, or the Order Amendment or its terms.

II. Order Amendment

Pursuant to this Order Amendment, Respondent shall pay \$45,000 in full satisfaction of all oversight costs of the United States related to the Site. Respondent's payment of \$45,000 shall be made in four equal installments, to be made every thirty days (for a total of four payments of \$11,250 each, over a total period of 120 calendar days), with the first payment due within thirty calendar days after the effective date of this Order Amendment.

Respondent shall make the payments required by this Order Amendment by remitting cashier's or certified checks for the amounts specified herein and made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

Respondent shall simultaneously transmit a copy of each check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - GHR Foundry Site" and shall reference the payor's name and address, the EPA site identification number A539, and the docket number of this Order.

In the event that any payment is not made within the deadlines described above, Respondent shall pay interest on the unpaid balance. Interest is established at the rate specified in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). The interest shall begin to accrue on the date that each payment is due. Interest shall accrue at the rate specified through the date of the payment. Payments of interest made under this paragraph shall be in addition to such other remedies or sanctions available to the United States by virtue of Respondent's failure to make timely payments under this Section.

III. Effective Date

This Order Amendment shall be effective upon receipt by Respondent of a copy of this Order Amendment signed by the Director, Superfund Division, EPA Region 5.

IN THE MATTER OF:

GHR Foundry,
400 Detrick Street
Dayton, Ohio 45404
Docket No. V-W-97-C-388

SIGNATORIES

Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

Agreed this 24 day of APRIL, 2002.

By: 

Mr. Raymond A. Carcione
CEO & Chairman of the Board
Equipment Merchants International, Inc.

IT IS SO ORDERED AND AGREED

BY: 

William E. Muno, Director
Superfund Division
United States
Environmental Protection Agency
Region 5

DATE: 5/2/02